

12 - JJRI - SB73 Implementation Tables - DOC

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STATE OF SOUTH DAKOTA

Juvenile Justice Public Safety Improvement Act

SB 73 Implementation Tables

November 2015

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Department of Corrections

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Progress Update
July 1, 2015	September 1, 2016 County may begin submitting annual application	Diversion Fiscal Incentive (SDCL 26-8D-2)	There have been a few questions after letters were sent to States Attorneys informing them about the program, outlining the requirements for participation, and providing them a spreadsheet of the data to be submitted by the counties by September 1, 2016. Activities for September included responding to questions and placing the spreadsheet onto the DOC website. No activities are planned for October.
July 1, 2015	January 1, 2016	Community Based Intervention Service Model/Develop Coordination Processes with DSS (SDCL 26-8D-3)	<p>DSS issued RFP's for Family Functional Therapy and ART in late August.</p> <p>All JCA staff has completed the GAINS-SS online training. DOC began implementation of the tool on August 1st. Initial data will be sent through the regional supervisors at Mountain Plains at the end of each month.</p> <p><u>September</u>-JCA's continue to complete GAINS-SS tools on youth. Regional Supervisors have been submitting. DSS sent a request to include numerical scores so DOC will ensure this is happening with our population.</p> <p><u>October</u>- DSS presented at annual training, however, did not share referral process as they did not have anything finalized at this time. Lewis and Clark provided presentation on FFT to all JCA's. They continue to complete GAINS-SS on all youth.</p>
	July 1, 2015	Performance Measures (SDCL 26- 8D-2, 26-8D-9 (3) & (6), 26-8D-19, 26-8D-20)	Based on the performance reporting requirements, activities in September involved setting up a template to track required data on a

		Performance Measures continued.	monthly basis. In addition to supporting reporting to the Oversight Council, the template will support monthly progress reporting. The draft of the template has been shared with members of the Performance Measures Workgroup. DOC will begin populating the template with historical data in October.
July 1, 2015	January 2016	Validate YLSI-2.0	<p>Contract has been signed with University of Cincinnati to conduct a validation study of DOC juvenile division YLSI data to be completed by November of 2015. The contract was signed with UC.</p> <p><u>August:</u> An initial meeting with DOC was scheduled with UC for 8/31. DOC anticipates this meeting will assist us with establishing the strategy for administering the vignettes that will be completed by staff as well as the electronic data submission of YLS/recidivism data to UC and timelines for the project.</p> <p><u>September-</u>DOC is in the process of preparing our data to submit to UC. A point of contact has been identified for the vignettes that staff will need to score to assess inter-rater reliability.</p> <p><u>October-</u> No updates at this time, waiting for UC to send details on vignettes.</p>
July 1, 2015		Native American Youth Outcomes Study (SDCL 26-8D-5)	Dept. Tribal Relations in coordination with state agencies will make recommendations to oversight council to improve outcome for Native youth in juvenile justice system. The first meeting of the JJRI Native American focus group was held on September 30.

July 1, 2015	July 1, 2015	DOC Role in Treatment Team Meetings (SDCL 26-11A-8.1)	<p>DOC did complete the review and have put in place a specific process for JCA's to conduct monthly treatment team meetings with all residential providers. Specific forms have been finalized, staff completed training in June 2015 and providers were given an opportunity for input. Roll out is in effect July 1, 2015. There is a follow up November 2015 meeting with providers to review the process for any needed adjustment. Performance based contracting will utilize this information.</p> <p>July - All JCAs and facilities are now using the Monthly Reauthorization Form (MRF) during monthly treatment calls. Feedback has been that the process is slow and has taken about an hour for each youth. The hope is this will decrease as JCAs and facility staff become more familiar with the form. Another issue has been making sure the goals are related to the high YLS domains. This has not always been happening in the past. STAR Academy had some issues with implementing the form at Brady Academy but after some discussion with administration it should be worked out.</p> <p><u>August</u> - Feedback from staff continues to be that the process is long and intense. Some facilities are not tying this process into their treatment plan meetings so there are double meetings at times. There have also been scheduling issues. Some facilities have cancelled or not called at the time set up. DOC will also continue to send copies of the MRF to the Division Director monthly.</p> <p><u>September</u>- Our staff have continued with this process. It is believed that</p>
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			<p>DOC is seeing fewer issues with scheduling with facilities. It is suspected that this is related to facilities level of understanding increasing and streamlining the process.</p> <p><u>October</u>- Nothing new to report. DOC will schedule a follow up call with private providers and STAR Academy in November related to this issue.</p>
July 1, 2015	January 1, 2016	Community Response Teams (CRT) (SDCL 26-8D-10)	Led by UJS, but requires DOC to be on the local teams. Will need to identify which JCC staff will be assigned to these teams.
July 1, 2015	January 1, 2016	Performance Based Contracting-Group Care/Residential treatment. (SDCL 26-8D-18, 26-8D-19)	<p>DOC completed a full review of existing performance based contracts utilized by other states. A workgroup has been identified and private providers have identified membership to participate on the workgroup. They are reviewing possible options and seeking language for the final drafts. The workgroup is scheduled for October 20th to review draft contracts with incentives.</p> <p>Definitions of completion types of programs are under review for consistent application of incentives.</p> <p>The draft will be presented to Association of Youth Care Providers on Nov. 6th.</p>
July 1, 2015	January 1, 2016	Amend DOC Violator Policy (SDCL 26-11A-15)	26-11-A-15 amended to limit the type of offenses that are eligible for revocation. Includes those acts subject to transfer proceedings under SDCL 26-11-3.1, crime of violence under SDCL 22-1-2(9), sex offense under SDCL 22-24B-1, felony sexual registry offense under 22-24B, burglary in second degree, or juvenile presents a significant and likely risk of physical harm to

			<p>another person and has committed a new violation.</p> <p>A DOC workgroup has been established and charter drafted. The workgroup is redrafting the policy to reflect the law change. Workgroup has also identified a need to develop training sessions for hearing officers to ensure compliance.</p> <p>An initial meeting was held with on July 2nd. The first task was to address the reasons for revocation and COMS set up. Current strategy of Felony, Misd, CD, Technical will not work going forward. DOC created seven new reasons, which are aligned with the offenses allowable for revocation. These will be set up in COMS by 7/30/15. The seven reasons have to be set up in the table under all four supervision levels for a total of 28.</p> <p>Also, DOC has to address the behavior severity level set up, which drives the violation response options. Only level 3's will be revocable offenses. Testing will be completed to ensure our logic is sound. If in fact it works as expected, DOC will then start redrafting aftercare contract and all related forms, policies to support the new aftercare violations/sanctions protocols DOC has a short window for completion as DOC needs to train staff at annual training first week in October.</p> <p><u>August:</u> The larger workgroup met on 8/20, to discuss the scope of their work, adjustments that have been made in train juvenile & assign testing plans and timelines. Group is scheduled to meet again on 9/4, where DOC will review testing feedback and proceed with revisions</p>
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			<p>to the sanctions grid, contract, and related policies/OM's. Once DOC completes these efforts, a training power point will be created for delivery at the upcoming JCA training in October.</p> <p><u>September</u>- The workgroup completed their process and submitted all work products to DOC Staff Attorney for review. A meeting was held with DOC legal counsel on 9/22/15. The legal counsel was comfortable with the work that had been completed and only offered some suggestions for language in the policy as a change. The power point training has been completed and will be delivered to staff in early October.</p> <p><u>October</u>- All staff was trained at annual training on the new requirements associated with SB 73. All policies/OM's, COMS changes have been made and are ready for implementation on January 1st, 2016.</p>
January 1, 2016	January 1, 2016	Cited Violations (SDCL 26-7A-126)	New procedures for cited violations, updated policies/staff training on cited violations. 26-7-A, amendments to add new section on cited violations to include petty theft, second; intentional damage to private property, \$400 or less, purchase, possession or consumption of beverage by person under 21; truancy. Note SA may file petition under certain conditions to include two or more prior judgments for same violation.
July 1, 2015	March 1, 2016 Counties must submit detention bed days data	Detention Cost Sharing (SDCL 26-8D-21 through 25)	Counties will submit calendar year 2013, 2014, and 2015 detention bed totals by March 2016. DOC is finalizing a letter to county auditors and juvenile corrections administrators that informs them of the program and the need to submit data. One issue DOC must first address before the letter is sent out

			is whether county payments for shelter care beds should be included.
July 1, 2015	January 1, 2016	STAR Academy Length of stay adjustment (SDCL 26-8D-17)	<p>Requires state run facility to design and operate programs to achieve substantial accomplishment of treatment goals and release to aftercare within three months. A workgroup team has been identified and each programmatic area within STAR is being reviewed for either EBP can be delivered in greater intensity, delivered in modules that can be completed in the community, and/or should the program be delivered entirely in the community. STAR Academy implemented the new monthly treatment process as also required in SB73. This process will assist STAR in developing very specific transition services and the ability to hand off ongoing services to the community more effectively and within the targeted 90 day release. Program phases will be shortened to accommodate the 90 day target release.</p> <p><u>July</u> – New Treatment Plan format was finalized in COMS and program staff started to update the plan to reflect youth progress and areas still needing improvement.</p> <p><u>August</u> – Current monthly progress report format will be replaced with the updated treatment plan and sent out by the 10th of the month moving forward. Finalize changes to level and points systems to fit 90 day program. Review Decision Points curriculum and decide if it should replace T4C as the main Cog Behavioral Therapy based curriculum. Develop Positive Peer Programming to help manage youth behaviors. Staff is meeting with Department of Education to determine best approach to</p>

			<p>education for youth in a 90 day program.</p> <p><u>September</u> –Treatment Plan updated in COMS, new format is being used and adjusted as issues are identified, and staff is working with JCA supervisors to include a review of the treatment plan during monthly reauthorization calls with JCAs. DOC would like to keep T4C as the main cognitive behavior curriculum but need to identify how to transition this service into the community when youth leave STAR.</p> <p><u>October</u> – Treatment plan format and meetings have been adjusted and moving forward as planned. DOC monthly progress report policy needs to be revised to reflect changes. Need to reschedule meeting to work on this. Need to develop policy for requesting 30 day extensions.</p> <p>Staff is developing an option for providing Virtual Ed classes. DSS staff will be attending training on MRT, ART and DBT. Discussions on going about how to incorporate this at STAR.</p>
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Department of Social Services

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Progress Updates
January, 2016	January 31, 2016	<p>Section 6- DSS in collaboration with DOC/UJS shall identify community-based treatment to be made available to juveniles with justice system involvement based on the needs of the youth.</p> <p>Any treatment identified for implementation shall be quality assured and shown through research or documented evidence to reduce recidivism and other juvenile risk factors.</p>	<p><u>May 2015</u>- Establish JJRI Stakeholder group to gain input regarding community based treatment. Meet in June and possibly July/August if needed.- Completed</p> <p><u>August 20, 2015</u>- Release Functional Family Therapy RFP- Completed</p> <p><u>November 4, 2015</u>- Identification of additional evidenced based community treatment to be implemented-Aggression Replacement Training (ART), Moral Reconation Therapy (MRT), Cognitive Behavioral Intervention for Substance Abuse (CBISA), Dialectical Behavioral Therapy (DBT)- Completed.</p> <p><u>November 24, 2015</u> -Award Functional Family Therapy RFP and establish Quality Assurance requirements to be included in contract agreements; establish training schedule.</p> <p><u>November 30, 2015</u>- Based on needs data available, identify number and location of youth who need the identified additional interventions.</p> <p><u>December 31, 2015</u>-Release additional RFP's as needed and identify time line for implementation.</p> <p><u>January 2016</u>- Train FFT- begin to provide services</p>
January, 2016	August 1, 2015	Section 6- In cooperation with DOC and UJS, DSS shall establish a juvenile treatment referral process incorporating a risk and needs tool for use by the UJS and DOC and supplemental mental health and substance abuse screening tools.	<p><u>May & June 2015</u>- Meet with DOC and UJS to identify referral process- Completed</p> <p><u>July 2015</u>- Develop processes and obtain needed data bases and tools- Completed</p> <p><u>August 1, 2015</u>- Implement screen process and begin to capture data to analyze the needs of the youth.- Completed</p>
January, 2016	January 2016	Section 7-DSS shall collect data, in the aggregate and	August 2015- Develop process for collection of required outcome and

		by provider, on the number of juveniles referred to treatment, the number and percent of juveniles completing treatment and not completing treatment to be reported semiannually to the oversight council and regularly review the information, data, and other performance measures with UJS and DOC.	performance measure- Completed January 2016- begin to collect the data Quarterly thereafter- review the data with DOC and UJS. Provide outcomes to the Oversight Council semiannually.
January, 2016		Section 14- If requested by presiding circuit court judge; appoint designee of the Secretary of DSS to serve on CRT teams.	TBD by Courts

Unified Judicial System

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Progress Updates
July 1 st , 2015		<p>Sections 2 and 3. Informal Diversions.</p> <p>Informal diversion no longer than four months; May include restitution; Mandatory diversion based on statutory criteria.</p>	<p><u>May:</u> Training for Judges and Court Services provided at Spring Training Events Update IT and CSO Manuals <u>June:</u> Updating Informal Diversion Letter and Agreement Form <u>July:</u> Working with DOC to ensure list of "court-approved" diversion programs is provided by circuit and information necessary for County Reinvestment Fund is available. <u>September/October:</u> identifying data elements and reports necessary for tracking. Information provided to State's Attorneys on data collection requirements.</p>
July 1 st , 2015		<p>Section 6. Community Based Treatment/Referral Process.</p> <p>Work with DSS and DOC to identify community based treatment options. UJS to provide aggregated risk factor data to DSS; establish juvenile treatment referral process; requirement to utilize a validated-risk and needs assessment tool.</p>	<p><u>May:</u> Participating with DSS workgroup to identify necessary services; Developing aggravated risk factor data reporting. <u>July:</u> Working with DSS to establish juvenile treatment referral process incorporating risks/needs assessment tool. <u>August:</u> Began utilizing the GAINS assessment on August 1, 2015 to gather information about juvenile needs.</p>
July 1 st , 2015		<p>Section 8. Native American Youth.</p> <p>Dept. of Tribal Relations to make recommendations</p>	<p><u>August</u> Working with Department of Tribal Relations Workgroup to Develop Recommendations.</p>
July 1 st , 2015		Section 11 Oversight	Appointments made and

		<p>Council</p> <p>Chief Justice to appoint 6 members – 1 judge; 1 defense attorney and 4 at-large appointments.</p>	<p>letters issued. First meeting held October 28, 2015.</p>
January 1 st , 2016		<p>Sections 14 and 15. Community Response Teams.</p> <p>PJ may appoint team; Shall include CSO; UJS shall maintain record of membership; report non-identifying data to the Oversight Council; Supreme Court may adopt rules</p>	<p><u>September</u>: First Circuit Working to Establish A Pilot Program in Yankton.</p> <p><u>October</u> Planning underway for a second CRT in Lake Andes.</p> <p>Working to identify necessary data to collect and report- See Section 18.</p>
January 1 st , 2016		<p>Section 18. Data Requirements for Oversight Council on Community Response Teams.</p> <p>1. Number of Referrals by Circuit</p> <p>2. Number and % of Referrals where Recommendation provided</p> <p>3. Number and % where CRT identified a community based alternative</p> <p>4. Recommendation for each case referred</p> <p>Disposition of each case referred</p>	<p>Identifying data points and methods for tracking and storing data.</p>
January 1 st , 2016		<p>Section 20. Dispositional Decree Requirements- Delinquency.</p> <p>Changes to findings required in the dispositional decree and when the child may be sent to the DOC.</p>	<p><u>May/October</u>: Judicial Training</p> <p>CSO Training</p>

July 1 st , 2016		<p>Section 22. Detention.</p> <p>Requires findings for extended period of detention.</p>	<p><u>May/October:</u> Judicial Training CSO Training</p>
January 1 st , 2016		<p>Section 23. Duration of Probation- Delinquency.</p> <ol style="list-style-type: none"> 1. Generally probation should not exceed 4 months; Unless intensive probation or extended for reasons provided. 2. CSO may request two extensions 3. Court may order extension 4. Total duration typically 12 months 5. Probation may not be extended to collect restitution 	<p><u>May/October:</u> Judicial Training Provided CSO Training Provided <u>October:</u> Additional Judge/CSO Training provided as part of Fall Judicial Conference. <u>September:</u> Drafted Extension Forms/Order. <u>October:</u> Extension Forms/Conditions of Juvenile Probation Changes approved by Presiding Judges.</p>
January 1 st , 2016		<p>Section 24. Semi-Annual Data Reporting to Oversight Council.</p> <ol style="list-style-type: none"> 1. Juvenile Probation Admissions 2. Requests for extensions made 3. Requests granted 4. Reason for discharge 5. Length of probation 6. Recidivism rate- Recidivism is defined as "being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a felony in adult court within 1, 2 or 3 years after discharge from juvenile probation." 7. Juveniles placed in detention and duration 8. Juveniles eligible for informal adjustment and 	<p><u>September</u> Data Entry Data Tracking Creation of Reports <u>October:</u> Modifications to Odyssey requested.</p>

		<p>informal action</p> <p>9. Juveniles for whom good cause is found for petition rather than informal action</p> <p>10. Juveniles summoned to court on a juvenile cited violation</p> <p>11. Juveniles summoned and referred for informal adjustment and action</p> <p>12. Juveniles summoned and then petitioned under Section 38.</p>	
January 1 st , 2016		<p>Section 25. Graduated Response Grid.</p> <p>Create a grid to guide court services in responding to violations of probation.</p>	<p><u>June</u>: Workgroup Appointed and First Meeting Held on June 5, 2015;</p> <p><u>August</u>: Second Meeting on August 5, 2015</p> <p><u>September</u>: Draft Grid and Court Rule Developed and being shared with Stakeholder groups. Collect Data on Use of Grid- See section 26.</p> <p><u>October</u>: Training for Judges and CSOs held at Fall Judicial Conference</p>
January 1 st , 2016		<p>Section 27. Commitments to DOC- Delinquency.</p> <p>Criteria for violations that may be committed to DOC.</p>	<p><u>May/October</u>: Judge Training CSO Training</p>
January 1 st , 2016		<p>Section 29. Dispositional Decree Requirements- CHINS.</p> <p>Community Service changes; Criteria for commitment to DOC.</p>	<p><u>May/October</u> Judge Training CSO Training</p>
January 1 st , 2016		<p>Section 30. Probation Duration- CHINS.</p> <p>1. Generally probation should not exceed 4</p>	<p><u>May/October</u>: Judicial Training CSO Training</p> <p><u>September</u>: Developed Extension Forms/Order and</p>

		<p>months; Unless intensive probation or extended for reasons provided.</p> <p>2. CSO may request two extensions</p> <p>3. Court may order extension</p> <p>4. Total duration typically 12 months</p> <p>5. Probation may not be extended to collect restitution</p>	<p>written statement to provide child.</p> <p>Modified Conditions of Probation Form.</p> <p><u>October</u>: Conditions of Probation Changes Approved by Presiding Judges.</p>
January 1 st , 2016		<p>Section 31. CHINS Probation Violations.</p> <p>Criteria for sending CHINS to DOC.</p>	<p><u>May/October</u>: Judicial Training CSO Training</p>
January 1 st , 2016		<p>Section 37-40. Juvenile Cited Violations.</p> <p>Confidential citation proceeding in lieu of a formal petition for second degree petty theft; intentional damage to property less than \$400; minor in possession of alcohol and truancy.</p>	<p><u>August</u>: New case type created</p> <p><u>October</u>: Judicial Training CSO Training Assisting with Citation Format Data Reporting being defined-see section 24.</p>